

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-007912-002 DT

07/19/2013

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT  
S. Yoder  
Deputy

STATE OF ARIZONA

KIRSTEN VALENZUELA  
HILARY L WEINBERG  
J KENNETH MANGUM

v.

ELDRIDGE AUZZELE GITTENS (002)

SUSAN L COREY  
PETER JONES

CAPITAL CASE MANAGER

ORAL ARGUMENT

Courtroom SCT 5B

11:06 a.m. This is the time set for Oral Argument on pending motions.

State's Attorney:	Kirsten Valenzuela
Defendant's Attorney:	Susan L. Corey and Peter Jones
Defendant:	Present

Court Reporter, Laura Ashbrook, is present.

A record of the proceeding is also made by audio and/or videotape.

Co-Defendant Darnell Reuna Jackson (001) is also present with counsel, Alan I. Tavassoli and Andrew A. Clemency.

Counsel J. Kenneth Mangum appears on behalf of the Maricopa County Sheriff's Office.

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Argument is heard on Defendant Gittens' Renewed Motion to Allow the Defense to Photograph Mr. Gittens' Conditions of Confinement (filed June 11, 2013).

For the reasons stated on the record and set forth in MCSO's Response,

IT IS ORDERED denying Gittens' Renewed Motion to Allow the Defense to Photograph Mr. Gittens' Conditions of Confinement without prejudice.

Argument is heard on Defendant Gittens' Motion to Waive the Jury in the Penalty Phase (filed February 6, 2013). Ms. Corey has filed motion re what she wants to present.

For the reasons stated on the record,

IT IS ORDERED denying Gittens' Motion to Waive the Jury in the Penalty Phase.

IT IS FURTHER ORDERED denying Defendant Gittens' request for Evidentiary Hearing on the Motion. For appellate purposes, Ms. Corey may supplement the record **on or before August 31, 2013**, with an affidavit or deposition regarding the studies she is relying on to support Defendant's argument to waive the jury in the penalty phase.

Argument is heard on Defendant Gittens' (joined by Jackson) Motion to View Evidence and Bar the Prosecution from Observing (filed May 16, 2013).

IT IS ORDERED granting the motion in part and denying it in part. The State can be present for the viewing of evidence. Counsel for Jackson and Gittens should give a combined list of items they want to see outside the packaging to the State. If there is a dispute over something the State says can't be opened, the Court will resolve it.

IT IS FURTHER ORDERED setting Capital Case Management Conference on **August 30, 2013 at 8:30 a.m.** in this Division.

IT IS FURTHER ORDERED affirming Final Trial Management Conference on January 6, 2014 at 8:30 a.m. and Firm Trial Date of January 13, 2014 at 10:00 a.m. in this Division.

IT IS FURTHER ORDERED affirming prior custody orders.

CURRENT LAST DAY: January 27, 2014.

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12:23 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.  
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.